

# SENATE BILL No. 35

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-7-32; IC 3-11; IC 3-12-1.

**Synopsis:** Straight ticket voting. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Repeals superseded statutes relating to straight ticket voting.

**Effective:** July 1, 2014.

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January 7, 2014, read first time and referred to Committee on Elections.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 35

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2014]: Sec. 32. (a) A town election board shall determine  
4       what voting method will be used in a municipal election.  
5       (b) The town election board and its precinct election officers shall  
6       perform the duties of the county election board and its precinct election  
7       officers under IC 3-11 for each voting method used.  
8       (c) The town election board shall prepare the ballots in the form  
9       prescribed by IC 3-11 and distribute them to the precincts in the town.  
10      (d) This subsection applies only to paper ballots. Notwithstanding  
11      subsection (c), the town election board, by unanimous consent of the  
12      board's entire membership, may authorize the printing or reproduction  
13      of ballots on equipment under the control of the town clerk-treasurer.  
14      If the town election board acts under this subsection, the ballots are not  
15      required to conform to the precise dimensions concerning the size of  
16      political party devices under IC 3-11-2-9 or the placement of a



1 candidate's name under ~~IC 3-11-2-10(f)~~. **IC 3-11-2-10(d)**. However,  
 2 the ballots must otherwise substantially conform with IC 3-11-2.

3 SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,  
 4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 10. (a) Public questions shall be placed on the  
 6 general election ballot in the following order after the statement  
 7 described in section 7 of this chapter, and the instructions described in  
 8 subsections ~~(d)~~ and ~~(e)~~ **subsection (c)** and section 8 of this chapter:

9 (1) Ratification of a state constitutional amendment.

10 (2) Local public questions.

11 Each public question shall be placed in a separate column on the ballot.

12 (b) The name or title of the political party or independent ticket  
 13 described in section 6 of this chapter shall be placed on the general  
 14 election ballot after the public questions described in subsection (a).  
 15 The device of the political party or independent ticket shall be placed  
 16 immediately under the name of the political party or independent ticket.  
 17 The instructions for voting a straight party ticket shall be placed to the  
 18 right of the device.

19 (c) The instructions for voting a straight party ticket must conform  
 20 as nearly as possible to the following: "To vote a straight (insert  
 21 political party name) ticket for all (insert political party name)  
 22 candidates on this ballot, make a voting mark on or in this circle and do  
 23 not make any other marks on this ballot. If you wish to vote for a  
 24 candidate seeking a nonpartisan office or on a public question, you  
 25 must make another voting mark on the appropriate place on this  
 26 ballot."

27 (d) If the ballot contains an independent ticket described in section  
 28 6 of this chapter and at least one ~~(1)~~ other independent candidate, the  
 29 ballot must also contain a statement that reads substantially as follows:  
 30 "A vote cast for an independent ticket will only be counted for the  
 31 candidates for President and Vice President or governor and lieutenant  
 32 governor comprising that independent ticket. This vote will NOT be  
 33 counted for any OTHER independent candidate appearing on the  
 34 ballot."

35 (e) **(c)** The ballot must also contain a statement that reads  
 36 substantially as follows: "A write-in vote will NOT be counted unless  
 37 the vote is for a DECLARED write-in candidate. To vote for a write-in  
 38 candidate, you must make a voting mark on or in the square to the left  
 39 of the name you have written in or your vote will not be counted."

40 ~~(f)~~ **(d)** The list of candidates of the political party shall be placed  
 41 immediately under the instructions for voting a straight party ticket:  
 42 **device of the political party**. The names of the candidates shall be



placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

~~(g)~~ (e) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 3. IC 3-11-7-4, AS AMENDED BY P.L.219-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A ballot card voting system must permit a voter to vote

~~(1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single mark on each ballot card;~~

~~(2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition.~~

~~(3) a split ticket for the candidates of different political parties and for independent candidates; or~~

~~(4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.~~

(b) A ballot card voting system must permit a voter to vote:

(1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and

(2) for or against a public question on which the voter may vote.

SECTION 4. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6. ~~A ballot card voting system must count a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote and votes for individual candidates as described by IC 3-12-1-7.~~

SECTION 5. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 10. ~~If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.~~

SECTION 6. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.



(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.



(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.



A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d), and IC 3-11-2-10(e).~~ **IC 3-11-2-10(c).**

(l) The ballot must include: ~~a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:~~

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. ~~The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.



(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of ~~political parties~~ or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each ~~political party~~; candidate or public question.

SECTION 7. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter has voted individually for a candidate. If the voter records a vote for the two (2) candidates comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.~~

SECTION 8. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

- (1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:
  - (A) the candidates' names; or
  - (B) the numbers referring to the candidates; and
- (2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:
  - (A) the word "yes" or "no" under the question; or
  - (B) the number referring to the word "yes" or "no" on the ballot.

(c) ~~If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:~~

- ~~(1) the circle enclosing the device; or~~
- ~~(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;~~

~~that designates the candidates of that political party or independent~~





ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

SECTION 9. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be



1 elected) candidate(s) for this office.", if more than one (1)  
 2 candidate is to be elected to the office.

3 (g) Below the name of the office and the statement required by  
 4 subsection (f), the names of the candidates for each office must be  
 5 grouped together in the following order:

6 (1) The major political party whose candidate received the highest  
 7 number of votes in the county for secretary of state at the last  
 8 election is listed first.

9 (2) The major political party whose candidate received the second  
 10 highest number of votes in the county for secretary of state is  
 11 listed second.

12 (3) All other political parties listed in the order that the parties'  
 13 candidates for secretary of state finished in the last election are  
 14 listed after the party listed in subdivision (2).

15 (4) If a political party did not have a candidate for secretary of  
 16 state in the last election or a nominee is an independent candidate  
 17 or independent ticket (described in IC 3-11-2-6), the party or  
 18 candidate is listed after the parties described in subdivisions (1),  
 19 (2), and (3).

20 (5) If more than one (1) political party or independent candidate  
 21 or ticket described in subdivision (4) qualifies to be on the ballot,  
 22 the parties, candidates, or tickets are listed in the order in which  
 23 the party filed its petition of nomination under IC 3-8-6-12.

24 (6) A space for write-in voting is placed after the candidates listed  
 25 in subdivisions (1) through (5), if required by law. A space for  
 26 write-in voting for an office is not required if there are no  
 27 declared write-in candidates for that office. However, procedures  
 28 must be implemented to permit write-in voting for candidates for  
 29 federal offices.

30 (7) The name of a write-in candidate may not be listed on the  
 31 ballot.

32 (h) The names of the candidates grouped in the order established by  
 33 subsection (g) must be printed in type with uniform capital letters and  
 34 have a uniform space between each name. The name of the candidate's  
 35 political party, or the word "Independent", if the:

36 (1) candidate; or

37 (2) ticket of candidates for:

38 (A) President and Vice President of the United States; or

39 (B) governor and lieutenant governor;

40 is independent, must be placed immediately below or beside the name  
 41 of the candidate and must be printed in uniform size and type.

42 (i) All the candidates of the same political party for election to



1 at-large seats on the fiscal or legislative body of a political subdivision  
2 must be grouped together:

- 3 (1) under the name of the office that the candidates are seeking;
- 4 (2) in the party order established by subsection (g); and
- 5 (3) within the political party, in alphabetical order according to  
6 surname.

7 A statement reading substantially as follows must be placed  
8 immediately below the name of the office and above the name of the  
9 first candidate: "Vote for not more than (insert the number of  
10 candidates to be elected) candidate(s) of ANY party for this office."

11 (j) Candidates for election to at-large seats on the governing body  
12 of a school corporation must be grouped:

- 13 (1) under the name of the office that the candidates are seeking;
- 14 and
- 15 (2) in alphabetical order according to surname.

16 A statement reading substantially as follows must be placed  
17 immediately below the name of the office and above the name of the  
18 first candidate: "Vote for not more than (insert the number of  
19 candidates to be elected) candidate(s) for this office."

20 (k) The cautionary statement described in IC 3-11-2-7 must be  
21 placed at the top or beginning of the ballot label before the first public  
22 question is listed.

23 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~, and  
24 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

- 25 (1) placed on the ballot label; or
- 26 (2) posted in a location within the voting booth that permits the  
27 voter to easily read the instructions.

28 (m) The ballot label must include: ~~a touch sensitive point or button~~  
29 ~~for voting a straight political party or independent ticket (described in~~  
30 ~~IC 3-11-2-6) by one (1) touch; and the touch sensitive point or button~~  
31 ~~must be identified by:~~

- 32 (1) the name of the political party or independent ticket; and
- 33 (2) immediately below or beside the political party's or  
34 independent ticket's name, the device of that party or ticket  
35 (described in IC 3-11-2-5).

36 The name and device of each party or ticket must be of uniform size  
37 and type, and arranged in the order established by subsection (g) for  
38 listing candidates under each office. ~~The instructions described in~~  
39 ~~IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement  
40 concerning presidential electors required under IC 3-10-4-3 may be  
41 placed on the ballot label or in a location within the voting booth that  
42 permits the voter to easily read the instructions.



(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 10. IC 3-11-14-23, AS AMENDED BY P.L.164-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.



1       ~~(d)~~ (c) As provided by 42 U.S.C. 15481, a voter casting a ballot on  
2 an electronic voting system must be:

3       (1) permitted to verify in a private and independent manner the  
4 votes selected by the voter before the ballot is cast and counted;

5       (2) provided the opportunity to change the ballot or correct any  
6 error in a private and independent manner before the ballot is cast  
7 and counted, including the opportunity to receive a replacement  
8 ballot if the voter is otherwise unable to change or correct the  
9 ballot; and

10       (3) notified before the ballot is cast regarding the effect of casting  
11 multiple votes for the office and provided an opportunity to  
12 correct the ballot before the ballot is cast and counted.

13       SECTION 11. IC 3-12-1-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Subject to sections  
15 5, 6, 8, 9, 9.5, and 13 of this chapter, the primary factor to be  
16 considered in determining a voter's choice on a ballot is the intent of  
17 the voter. If the voter's intent can be determined on the ballot or on part  
18 of the ballot, the vote shall be counted for the affected candidate or  
19 candidates or on the public question. However, if it is impossible to  
20 determine a voter's choice of candidates on a part of a ballot or vote on  
21 a public question, then the voter's vote concerning those candidates or  
22 public questions may not be counted.

23       SECTION 12. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,  
24 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a) This subsection applies~~  
26 ~~whenever a voter:~~

27       ~~(1) votes a straight party ticket; and~~

28       ~~(2) votes only for one (1) or more individual candidates who are~~  
29 ~~all of the same political party as the straight ticket vote.~~

30       ~~The straight ticket vote shall be counted and the individual candidate~~  
31 ~~votes may not be counted.~~

32       ~~(b) This subsection applies whenever:~~

33       ~~(1) a voter has voted a straight party ticket for the candidates of~~  
34 ~~one (1) political party;~~

35       ~~(2) only one (1) person may be elected to an office; and~~

36       ~~(3) the voter has voted for one (1) individual candidate for the~~  
37 ~~office described in subdivision (2) who is:~~

38       ~~(A) a candidate of a political party other than the party for~~  
39 ~~which the voter voted a straight ticket; or~~

40       ~~(B) an independent candidate for the office.~~

41       ~~If the voter has voted for one (1) individual candidate for the office~~  
42 ~~described in subdivision (2); the individual candidate vote for that~~



1 office shall be counted; the straight party ticket vote for that office may  
 2 not be counted; and the straight party ticket votes for other offices on  
 3 the ballot shall be counted:

4 (c) This subsection applies whenever:

5 (1) a voter has voted a straight party ticket for the candidates of  
 6 one (1) political party; and

7 (2) the voter has voted for more individual candidates for the  
 8 office than the number of persons to be elected to that office:

9 The individual candidate votes for that office may not be counted; the  
 10 straight party ticket vote for that office may not be counted; and the  
 11 straight party ticket votes for other offices on the ballot shall be  
 12 counted:

13 (d) This subsection applies whenever:

14 (1) a voter has voted a straight party ticket for the candidates of  
 15 one (1) political party;

16 (2) more than one (1) person may be elected to an office; and

17 (3) the voter has voted for individual candidates for the office  
 18 described in subdivision (2) who are:

19 (A) independent candidates;

20 (B) candidates of a political party other than the political party  
 21 for which the voter cast a straight party ticket under  
 22 subdivision (1); or

23 (C) a combination of candidates described in clauses (A) and  
 24 (B):

25 The individual votes cast by the voter for the office for the independent  
 26 candidates and the candidates of a political party other than the  
 27 political party for which the voter cast a straight party ticket shall be  
 28 counted. The straight party ticket vote cast by that voter for that office  
 29 shall be counted unless the total number of votes cast for the office by  
 30 the voter, when adding the voter's votes for the individual candidates  
 31 for the office and the voter's straight party ticket votes for the office, is  
 32 greater than the number of persons to be elected to the office. If the  
 33 total number of votes cast for the office is greater than the number of  
 34 persons to be elected to the office, the straight party ticket votes for the  
 35 office may not be counted. The straight party ticket votes for other  
 36 offices on the voter's ballot shall be counted:

37 (e) This subsection applies whenever:

38 (1) a voter has voted a straight party ticket for the candidates of  
 39 one (1) political party;

40 (2) more than one (1) person may be elected to an office; and

41 (3) the voter has voted for individual candidates for the office  
 42 described in subdivision (2) who are:



(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) (a) If a voter does not vote a straight party ticket and the number of votes cast by that a voter for the candidates for an office are is less than or equal to the number of openings for that office, the individual candidates' votes shall be counted.

(h) (b) If a voter does not vote a straight party ticket and the number of votes cast by that a voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 13. IC 3-12-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) If a voter votes a straight party ticket for at least one (1) office for which only one (1) person may be elected and writes in the name of a candidate, the straight party ticket vote shall be counted for all offices except the offices for which a write-in vote was cast. The write-in vote shall be counted if the voter's intent can be determined.

(b) If a voter votes a straight party ticket for an office for which at



1 least two (2) people may be elected and writes in the name of a  
 2 candidate; the straight party vote for that office may not be counted  
 3 unless:

4 (1) fewer candidates appear on the party's ticket than may be  
 5 elected; and

6 (2) the voter has not written in a number of names that, when  
 7 added to the straight party candidate's name, would be greater  
 8 than the number of seats available for that office.

9 (c) (a) If a voter votes for one (1) individual candidate for an office  
 10 for which only one (1) person may be elected and also writes in the  
 11 name of another candidate for the same office, neither vote may be  
 12 counted.

13 (d) (b) If a voter votes for at least one (1) individual candidate for  
 14 an office for which at least two (2) people may be elected and also  
 15 writes in the name of at least one (1) candidate, the vote for that office  
 16 may not be counted unless the number of individual votes cast for the  
 17 office, when added to the number of write-in votes cast for that office,  
 18 is less than or equal to the number of seats available for that office.

19 (e) If a voter votes an individual or a straight party vote for a  
 20 candidate for an office and also writes in the name of the same  
 21 candidate for the same office; only one (1) vote for that candidate may  
 22 be counted.

23 SECTION 14. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,  
 24 2014]. Sec. 8: A voting mark made by a voter on or in a circle  
 25 containing a political party device shall be counted as a vote for each  
 26 candidate of that political party on that ballot.

27 SECTION 15. IC 3-12-1-14 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section  
 29 does not apply to a vote

30 (1) cast for President or Vice President of the United States under  
 31 IC 3-10-4-6. or

32 (2) described by section 15 of this chapter.

33 (b) A vote cast for a candidate who ceases to be a candidate may not  
 34 be counted as a vote for a successor candidate selected under IC 3-13-1  
 35 or IC 3-13-2.

36 SECTION 16. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,  
 37 2014]. Sec. 15: (a) This section applies to a vote cast for one (1)  
 38 straight party ticket that includes a candidate for election to office who:

39 (1) ceases to be a candidate; and

40 (2) is succeeded by a candidate selected under IC 3-13-1 or  
 41 IC 3-13-2.

42 (b) A vote cast in the election for the original nominee is considered





1 a vote cast for the successor.

